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January 25, 2011

Via The Electronic Case Filing System

Honorable Richard J. Sullivan

United States Court House

Southern District of New York

500 Pearl Street

New York, New York 10007

Re: Samandarov et al v. Kowalewski et al, case# 1:10-cv-4438-RJS

Dear Judge Sullivan:

This firm represents Respondents in the above captioned case. This letter is in response to your Honor's January 18, 2011 Order.

(a) This action is not moot, even in light of the termination of the underlying arbitration proceedings

This case is not moot because, there still remains a live controversy that requires the Court's intervention. This is so because there has not been a permanent suspension to the underlying arbitration. Since the suspension is not permanent, and will be reinstated upon Respondents' payment, the case before this Court is not moot.

My office has spoken with Respondents, who have assured me that the outstanding bill will be paid shortly. Furthermore, my office has contacted AAA and was informed that the suspension is not permanent and the bill should be paid by February 11, 2011. (see attached AAA final statement of account) For the foregoing reasons, it is Respondents' position that this case is not moot since there is a live controversy before this Court.

(b) The firm of Marina Trubitsky should not be sanctioned for failing to participate in joint status letters to the court.

I profusely apologize if I had inadvertently missed the deadlines set by this Court. As of November 2010, the sole paralegal in our office left on maternity leave. Moreover, as of December 2010, my associate, Ms. Nechayev, who was handling the case at bar and who was familiar with the issues at hand, was put on strict bed rest due to the complications with her pregnancy as she was carrying identical twins. This left only me and one other associate (who is licensed in New Jersey but not in New York) to handle each and every task within our office. Further, our office has been plagued with database issues which has caused additional down time for us. As of January 2011, we hired a new system administrator and will gradually switch to a new database server. Hence, with time we hope to gradually get on track and do not anticipate missing any important deadlines in this case.

Respectively submitted,

/Marina Trubitsky/

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Cc: (via ECF)

Eric B. Kaviar